

### DIED IN BATTLE

A politically sensitive murder case falls to a Judge Battle. He is a Bible-thumping, reformed alcoholic and former prosecutor. There is enormous pressure from the inheritors of one of the most corrupt and enduring of political machines. It wants an immediate "solution." The elders, knowing there is none, go whole-hog for the framing of a convenient patsy.

Battle commits every offense in the book in private while projecting a public image of impartiality. As a result, it is possible for a famous criminal lawyer to come into the case and intimidate his supposed client into a "deal" that results in a maximum possible sentence. During the narration of the evidence necessary for acceptance of a guilty plea, the defendant learns that there never was a case against him. Once he has been transferred to a distant jail, he immediately files his own petition for post-conviction relief. His brother seeks other counsel and obtains three incompetents who go to the jail and are content to be denied access to their client and to await the judge's return from vacation. One then visits Battle to complain about being denied access to his client so he could obtain the client's signature on the proper petition.

Battle, seeing personal disaster of exposure during appeal, recognizes escape for him in the jail's overt denial of the prisoner's rights. He informs the prosecutor, who has no escape from the case he framed while knowing better and possessing evidence proving the man he charged could not have killed the victim.

There ensues a morning-long series of private arguments

between Battle and the prosecutor. When alone, Battle begins to write a decision granting the trial. In the midst of the last argument the judge, who has a previous heart condition, is taken with a seizure and falls dead over the decision he is writing. The terrified prosecutor leaves the judge's chambers unseen. He tells nobody what happened. He waits until the end of the working day when he can explain his visit as innocent. He then reports finding Battle dead.

The entire bureaucracy - police, prosecutors and judges - know the case is a frame. They also know the importance of getting rid of the judge's records. However, their life is complicated by the visit of the dumdummy lawyer, who did see papers on the judge's desk. The prosecutor saw this lawyer enter Battle's office as the prosecutor was leaving it. The police contrive a cover of a homicide investigation to interview the lawyer and learn what he saw on Battle's desk. Everything else is purged from the judge's possessions - even his desk calendar is replaced with a refill.

Seven judges, ranking police officials and the clerk of the court are called to make an inventory of the judge's possessions after they are purged of all but what the lawyer could have seen. Not so much as a file=folder remains, but there are no official questions. Least of all from the judge to whom the case then falls. He then rules that the death of Judge Battle ended the prisoner's right to the otherwise automatic granting of the petition for post-conviction relief.

The dumdummy lawyer does not realize what has happened.

The prisoner is kept in solitary confinement on a series of pretexts. He becomes the prisoner who spends more time in solitary than any other in American history.

All the local lawyers involved in the case receive rewards.

The District Attorney retires to a bank vice-presidency. His two ranking assistants are made judges. The local public defender whom Battle had appointed to co-counsel with the famous lawyer who was originally defense counsel is appointed District Attorney. And all is quiet. For years.

Until a young lawyer and an aging investigator develop an interest in the case. They obtain access to Judge Battle's sequestered records and question the dum dum lawyer. By careful analysis, they put the pieces together and learn what Died in Battle.